

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JAMIE CHRISTOPHER MAY,)
Plaintiff,)
v.) Case No. 2:19-cv-0101-MHH-TMP
JASON BELLENGER, et al.,)
Defendants.)

MEMORANDUM OPINION

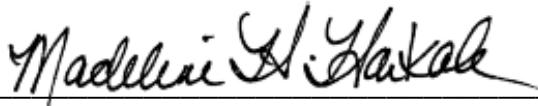
The magistrate judge filed a report on March 28, 2019, recommending this action be dismissed without prejudice pursuant to 28 U.S.C. § 1915A(b)(1). (Doc. 12). The plaintiff filed objections on April 16, 2019. (Doc. 13).

A district court “may accept, reject, or modify, in whole or part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). When a party objects to a report and recommendation, the district court must “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* The Court reviews for plain error proposed factual findings to which no objection is made, and the Court reviews propositions of law *de novo*. *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993); *see also United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983) (per curiam), *cert. denied*, 464 U.S. 1050 (1984) (“The

failure to object to the magistrate's findings of fact prohibits an attack on appeal of the factual findings adopted by the district court except on grounds of plain error or manifest injustice.") (internal citation omitted); *Macort v. Prem, Inc.*, 208 Fed. Appx. 781, 784 (11th Cir. 2006).

In his objections, Mr. May clarifies that his claims relate to an app installed on his telephone, but as in his original and amended complaints, he fails to identify a federal law claim against a state actor. Therefore, the Court adopts the magistrate judge's report and accepts his recommendation. By separate order, the Court will dismiss this action in accordance with 28 U.S.C. § 1915A(b)(1).

DONE this 26th day of April, 2019.


MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE